

**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**  
**SAN DIEGO DIVISION**

IN RE: AMERANTH  
PATENT LITIGATION

Lead Case No.: 3:11-cv-01810-DMS-WVG

**EXHIBIT 1 –  
DOMINO’S MOTION TO STRIKE THE  
DECLARATIONS OF DR. SAM MALEK,  
DR. MICHAEL SHAMOS, AND MICHEL  
CARDINAL THAT WERE FILED IN  
SUPPORT OF AMERANTH’S  
OPPOSITION TO DOMINO’S MOTION  
FOR SUMMARY ADJUDICATION**

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Attorneys for Plaintiff Ameranth, Inc.  
5 Additional counsel for Plaintiff listed below.

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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

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11 **IN RE: AMERANTH PATENT**  
12 **LITIGATION**

Lead Case No. 11cv1810 DMS (WVG)

13 **FIRST DESIGNATION OF EXPERT**  
14 **WITNESSES BY AMERANTH, INC.**  
15 **(PIZZA GROUP DEFENDANTS)**  
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Pursuant to Section 1(b) of the Court’s Case Management Conference Order (Document 898), Ameranth, Inc. (“Ameranth”) hereby designates the following witness to provide expert testimony in the Ameranth v. Pizza Group Defendants matters in this consolidated litigation:

**Witness:**

Michael I. Shamos, Ph.D., J.D.  
605 Devonshire Street  
Pittsburgh, PA 15213  
412-681-8398

**Rates:**

Dr. Shamos charges \$550.00 per hour for expert witness services.

**Anticipated Subject of Expert Testimony:**

Ameranth anticipates that Dr. Shamos will offer expert testimony on the following topics:

- Enforceability and validity of the ‘077 patent
- Defendants’ infringement of the ‘077 patent

**Witness:**

Sam Malek, Ph.D.  
5226 Donald Bren Hall  
University of California, Irvine  
Irvine, CA 92697-3440  
949-824-0639

**Rates:**

Dr. Malek charges \$600 per hour for expert witness services.

1 **Anticipated Subject of Expert Testimony:**

2 Ameranth anticipates that Dr. Malek will offer expert testimony on the  
3 following topic:

- 4 • Enforceability and validity of the '077 patent  
5 • Defendants' infringement of the '077 patent  
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7 **Witness:**

8 Jeffrey F. Brown, Ph.D.  
9 Bates White  
10 12264 El Camino Real, Suite 406  
11 San Diego, CA 92130  
12 (858) 523-2163

13 **Rates:**

14 Dr. Brown charges \$750.00 per hour for expert witness services.

15 **Anticipated Subject of Expert Testimony:**

16 Ameranth anticipates that Mr. Brown will offer expert testimony on the  
17 following topics:

- 18 • Determination of a reasonable royalty for patent infringement and  
19 quantification of damages  
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21 Ameranth reserves the right to amend this designation as provided in the  
22 Local Rules and pursuant to the Court's Case Management Conference Order  
23 dated December 11, 2017. Furthermore, each of the expert witnesses may testify  
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1 in rebuttal to the Defendants' experts' testimony on matters with the scope of  
2 their field of expertise.

3  
4 Dated: February 12, 2018 CALDARELLI HEJMANOWSKI PAGE & LEER LLP

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6 By: /s/ William J. Caldarelli

7 William J. Caldarelli  
8 Ben West

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10 Michael D. Fabiano

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